

GAHC010220712024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Bail Appln./3227/2024

SIDDHARTH BAJPAI @ SIDHARTH BAJPAI
S/O LATE SRI ABDESH BAJPAI
PERMANENT ADDRESS-
MOTHER TERESA NAGAR, LTG 497, KATANGI ROAD,
JABALPUR, DIST. JABALPUR MADHYA PRADESH,
PRESENT ADDRESS-SRIMANTHAPUR, BYE LANE NO. 4, HOUSE NO. 4,
BHANGAGARH, NEAR BORDER POLICE OFFICE, P.S. BHANGAGARH,
DIST. KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR B CHANDA,

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK**

ORDER

07.11.2024

Heard Mr B Chanda, learned counsel appearing for the petitioner and Mr. K K Parashar, learned Additional Public Prosecutor, Assam, for the State.

2) By this application filed under Section 483 BNSS, 2023, the petitioner, namely, **Siddharth Bajpai @Sidharth Bajpai**, son of Late Sri Abdesh Bajpai, permanent resident of Mother Teresa Nagar, LIG 497, Katangi Road, Jabalpur, district-Jabalpur, Madhya Pradesh; presently residing in Srimanthapur, Bye Lane No.4, House No.4, Bhangagarh, Police Station-Bhangagarh, District-Kamrup(M), is praying for his bail in **Hatigaon Police Station Case No. 213/2024** registered under Sections 127(2)/329(4)/75/74/351(2)/115(2)/ 305(a) BNS, 2023, wherein, he was arrested on 25.09.2024 and is in custody since then.

3) As per the FIR dated 25.09.2024 lodged by the complainant, the case is that the petitioner, after introducing himself to be a person from Jabalpur, Madhya Pradesh, asked for some jewellery in her shop for his mother, but did not purchase any jewellery and left her shop with her visiting card.

4) Later, he started visiting her jewellery shop and eyed her with ill motive. He also started calling her in her mobile phone and though she blocked his number, but he continued to call her from different mobile numbers.

5) In spite of her request that he should not call her, she being a woman having children, the petitioner did not listen to her and on 23.09.2024 visited her house in the morning around 6 AM, locked the main door from inside and when she tried to open the door, he held her hand forcefully, dragged her and sexually assaulted her to commit rape.

6) He further tried to burn her with cigarette that was in his hand and also strangulated her neck and took away Rs. 3,000/- from her purse. But, on that occasion, she could manage to free herself.

7) As the petitioner physically and mentally tortured the informant as well as her children, she lodged the said FIR on 24.09.2024. Accordingly, said FIR of the complainant was registered as Hatigaon P.S. Case No. 213/2024 under Sections 127(2)/329(4)/75/74/351(2)/115(2)/305(a) BNS, 2023 and the petitioner was taken into custody on 25.09.2024.

8) Perused the case diary and the statement of the witnesses so far recorded by the concerned Investigating Officer of the case.

9) Though the case diary reveals incriminating materials against the petitioner, with regard to his involvement in the alleged crime; however, considering the period of his detention, since 26.09.2024, the Court is of the view that his further custodial detention is not warranted for investigation of said Hatigaon P.S. Case No. 213/2024. As such, this bail application of the petitioner, in said Hatigaon P.S. Case No. 213/2024 is accepted.

10) Accordingly, the petitioner, namely, **Siddharth Bajpai @Sidharth Bajpai**, be released on bail in said Hatigaon P.S. Case No. 213/2024 on furnishing a bail bond of Rs. 50,000/- with 2(two) local sureties each of the like amount, one of which shall be a Government Employee, either Central or State Government, to the satisfaction of the learned Chief Judicial Magistrate, Kamrup(M), Guwahati subject to the conditions that petitioner, named above —

i) shall appear before the concerned Investigating Officer of said Hatigaon P.S. Case No. 213/2024 and as and when he is required for necessary investigation of the case;

ii) shall not leave the territorial jurisdiction of said Hatigaon Police Station, without obtaining prior written permission from the concerned Investigating Officer of the case;

iii) shall not hamper with the investigation, or tamper with the evidence of the case;

iv) shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case, and also the informant of the case, her children and her other family members, so as to dissuade them from disclosing such facts to the Court or to any police officer and;

v) shall not involve himself in any criminal activities.

11) Any violation of the aforesaid terms and conditions by the petitioner, namely, **Siddharth**

Bajpai @Sidharth Bajpai, the bail granted to him in said Hatigaon P.S. Case No. 213/2024 shall stand automatically vacated.

12) Return the Case Diary herewith.

JUDGE

Comparing Assistant